

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE WORK STUDY SESSION OF THE
FOUNTAIN HILLS TOWN COUNCIL
November 10, 2009**

AGENDA ITEM #1 – CALL TO ORDER AND ROLL CALL

Vice Mayor Hansen called the meeting to order at 5:00 p.m. in the Fountain Hills Town Hall Council Chambers.

ROLL CALL –

The following members of the Fountain Hills Town Council were present for the roll call: Vice Mayor Hansen, Councilmember Contino, Councilmember Leger, and Councilmember Dickey. Town Manager Rick Davis, Town Attorney Andrew McGuire and Town Clerk Bev Bender were also present.

Mayor Schlum arrived at 5:05 p.m. Councilmember Archambault was absent.

Without objection, the Councilmembers present agreed to take the items out of order as the Parks and Recreation Director was not present when the meeting convened. However the items are listed numerically

AGENDA ITEM #2 –PRESENTATION BY PARKS AND RECREATION DIRECTOR MARK MAYER AND JERRY BUTLER REGARDING “THE GREENING OF DOWNTOWN” FROM THE DOWNTOWN VISIONING PLAN.

Parks and Recreation Director Mayor apologized for his delay and addressed the Council relative to this item providing an overview of what had occurred that had brought them to this point and the overall background. He noted that they had the acquisition and development of a piece of property that was adjacent to Plaza Fountainside and that was used as a request to the Heritage Fund for \$700,000 as a match, which had provided the first seed money that was used to begin the design of the park. He stated that construction had actually started taking place in 2003 with improvements that year that included both the age specific playgrounds and the amphitheater area. In 2004, three picnic ramadas were added and that included the one by the soon to come Rotary Centennial Splash Park through funds as well as sweat equity being contributed to make that a reality along with the Town's support. He pointed out that when totaled up it came to over \$4M in improvements and it was almost evenly divided between grant funds, public, and Town support. Mr. Mayer pointed out that the Town had been successful in getting support for that particular project. As an evolutionary phase, staff had recognized that until such time as they had a sprinkler system, which was installed in 2007, that the Town would not be able to sustain additional plantings in the park. He spoke of the importance of establishing the trees' root systems through the use of a drip irrigation system to get more water to them but much more infrequently vs. turf which had a much shallower root and needed to be watered more frequently through the use of a large spray head. It would have called for a redesign and construction of the irrigation system, which took place in 2007. He discussed the six watering stations located throughout the park where could be drawn from to install a drip system that would service any kind of plantings added. He said staff had heard from citizens desiring additional shade at the park and from staff's perspective, and long range management of the trees in the park, there were a relative aging population of trees there that were susceptible to species specific diseases so there was a need to diversify what exists there. As such features as the walkway on the west side and on the east side were added later, the ability to provide shade along the walkways had not existed until the new water sprinkler. He stated that Mr. Butler and he had met and spoken specifically about some issues that he in turn would speak to the Council about, which impacted our ability to do certain things in the park, but also created some additional opportunities. Mr. Mayer introduced the next speaker, Mr. Jerry Butler.

Jerry Butler requested that the volunteers and Business Vitality Advisory Committee (BVAC) members stand and be recognized. He stated that the Council recognized that the Greening of the Downtown was part of a much bigger program, the Downtown Vision Plan. He explained that within that plan nine catalysts had been identified. He stated that the Downtown needed to be defined by four districts, have a town square created,

generate a linkage from the Downtown to Fountain Park, relocate the visitor center to Fountain Park, build a significant venue within the park, and the Greening of Downtown was one of the catalysts. He stated that the responsibility of bringing this all together had been passed on to the Business Vitality Advisory Council of which he was a new member. He focused on the Greening of Downtown aspect.

Mr. Butler discussed the Greening of the Downtown stating that it contained probably two projects: a tree and landscaping program in Fountain Park and the short-term landscaping on vacant lots within the Downtown area. He said the purpose tonight was to share the concepts that a group of volunteers had come up with and seek the Council's input and ideas. He asked the Council to keep in mind that the project was to make the Downtown more attractive to residents, visitors, and investors with the ultimate goal to stimulate future economic activity. He discussed that around Fountain Park the emphasis would be on providing some shade along the sidewalks (would allow for more year-round use). At the park benches they could add some landscaping to make them more attractive. There were also areas within the park that in the past had been designated for certain gardens and this could be a possibility. He said the Committee had discussed utilizing trees and plants that would show what was possible when following the spirit of the Town's low water ordinance as this would give people an opportunity to see what plants worked and what they looked like once they were planted and had matured. The Committee also planned to use private donations to finance the program and create a reserve fund for the tree and replacements in order to minimize any burden on future Town budgets. Originally they had talked about having enough money in a reserve fund that all future maintenance could be paid for without being a burden to the Town's budget.

Mr. Butler discussed the economics of the program, various funding scenarios, and said that what they hoped to do with this program was to put enough funding in a reserve account so that trees and landscaping could be replaced without that being a burden on the Town's revenues. They planned to develop a multiyear program with a goal of completing the project of February 2012, which would be in time to celebrate the State's centennial. They felt this would be a great opportunity for a Town-wide celebration. Initially they wanted to create a demonstration project to show the public what was possible and to stimulate additional enthusiasm and financial support. He noted that while many people have said that they would support the program and write a check, they knew there were others that would be a little skeptical as to what it was that their money was going to provide. He noted that individuals had shown interest in donating trees and shrubbery and they would like to accommodate them, businesses, corporations, and give them the proper recognition. He noted that it might be easier, because of the cost of the overall program, to try and do this as program rather than individual plants but they would work with that.

Mr. Butler expressed the biggest challenge was providing answers to people who wanted to know what it was that they were actually doing. Therefore, they needed to hire a landscape architect to come up with some design alternatives, establish locations for the trees and landscaping, extend waterlines to certain locations, identify the view corridors and maybe relocate some of the art exhibits in the park. He referred to the existing disc golf course that was nationally recognized (with national tournaments held here) stating that the course might need to be modified. He continued stating that the underground dam and spillway would need to be maintained to the satisfaction of the Arizona Department of Water Resources; they would need to work with the private landowners to spruce up the vacant lots in the Downtown area in such a way that the landscaping could be moved to a new location when development occurred. Another idea that the Committee had talked about was having nearby homeowners, clubs, or organizations adopt and finish sections of Fountain Park similar to the Town's Adopt-a-Street Program to try to minimize the burden the need for future maintenance funds from the Town.

Mr. Butler said that the volunteers were fully aware of the fiscal problems facing the community. They were looking to create a public private partnership and they knew the vision could not be brought to reality without a private fund raising campaign and they were willing to take it on. To make it happen, the Fountain Hills Cultural and Civic Association said they intended to organize the campaign as done in the past for other worthwhile projects. He pointed out that they had a track record that spoke for itself.

Mr. Butler estimated the cost of the program to be about \$350,000. He stated the opinion that amount might get the Town between 500 – 700 trees, depending upon the size of the trees. He noted his preference for some of the bigger trees. He said the amount they would be needed for the design services (landscape architect) was approximately \$15,000. He asked that when the Council was in a position to make a decision that the Committee hoped that the Council could find \$15,000 and approve the hiring of a landscape architect so that they could proceed very quickly. He asked that the Council keep in mind that the design fee was less than 5% of this public private partnership.

Mr. Butler outlined a 2½ year schedule stating it was very aggressive and they did not have much time if they were going to meet the February 2012 State Centennial celebration; the Committee was prepared to begin raising funds now. He reiterated that they needed to hire a landscape architect as quickly as possible. In 2010 they planned to continue the fundraising activities, finalize the landscape design in early spring, and in February share the concept design with the public. He stated that they would like to create a demonstration project before Arbor Day in April 2010, which they felt would be key to raising or attracting funding for the project. The completion date should be in March, because with Arbor Day in April, sometimes it was too late to be planting trees and expecting them to survive. In the Fall of 2010, they would prepare for the fall planting season and in October they would update the public and the Council as to the status of the project and funding. In 2011 they would continue to finalize their funding activities and complete the spring and fall plantings; in the fall of 2011, again update the Council and the public relating to the status of the program dedication in February of 2012. He expressed that they were convinced that due to the duration of the project that new ideas would continue to emerge as the success of this program was dependent on community support.

Mr. Butler requested input from Council as to if the plan met their expectations and if the program would be supported moving forward. He noted that for BVAC this was just one step in a long path to help stimulate the community's economic activities. He asked for the Council's comments and said that he would be happy to answer any questions.

In response to a question from Mayor Schlum relating to process focused in the park, Mr. Butler stated that they had talked more about trees in the park but there seemed to be a possibility of doing trees on vacant lots just like the nurseries do now, where the trees were left in the various sized wooden boxes and mound up and around them and make the lots look like there was something there other than bare gravel. Mayor Schlum asked if there would be an effort to talk to the property owners to determine if they were interested in participating to which Mr. Butler said absolutely. Mayor Schlum questioned if the focus tonight was more on Fountain Park and Mr. Butler agreed it was.

Mayor Schlum stated he was glad that the Civic and Cultural Association was involved in light of possible relocation of art and community engagement. He stated the importance of community involvement and support for altering Fountain Park whether it was for commercial purposes as illustrated in the Vision Plan, for trees, a community garden, or all those different elements; they would need to make sure they were comfortable with an aggressive timeline upfront and, of course, funding. He asked Mr. Mayer to discuss what staff felt was necessary as far as the process so that there would be public buy-in, support and a professional and viable plan in order to get the Council to a level of comfort before they made a decision to support this.

Mr. Mayer said that one of the things that he and Mr. Butler had talked about early on in the process was how much of the design work could be done in-house vs. how much could be done by a landscape architect. He reviewed the reasons for staff support of hiring a landscape architect. He acknowledged that some of the work could be done in-house by staff such as choosing specific species that had been successful growing. However, the landscape architect would generate the type of visual park concept plan that could be shown to the Council, the Parks and Recreation Commission, and the public (i.e. trees, planting areas, etc), which was expertise that the staff did not have. He stated the opinion that that was where they would find the most value in addition to their working with the State on the dam restrictions. He noted that they would most likely focus on far side of the lake initially because most of the design work associated with the Visioning Plan was to take place on this side of the lake and that this would eliminate the need to remove or relocate trees.

Councilmember Dickey asked if they would be eligible for any type of grants because of the carbon implications and heat island effects, etc. She noted that currently there was an energy grant that the Town had a portion of but that they had hit some bumps on what they had intended to do and that although this might be too soon for something like this, she wanted to mention it as this was something that was getting a lot of attention. She commented that Tucson, Phoenix, and Scottsdale were doing something on this and stated the opinion that this was something that might be in-line for something like that.

Mr. Butler reported that the committee had met for the first time on October 15th and they had looked into many different grant opportunities as well as had checked with some foundations in Arizona and they believed that this project would be favorably received by some of the foundations. He agreed there was possible outside money available but the problem with pure grants was that it took so long to walk through the application process, followed by the waiting, and then there was no guarantee that you would get anything or you might get very little funding. He reiterated that this was a 2½ year program and that there was not much time to waste if the goal was to do something by February 2012 (the State's Centennial).

Councilmember Dickey commented that the State had a Centennial Committee and since this was a big deal for the whole state she asked if there was any opportunity for some type of partnership with that. She stated that regardless of what was going on economically, she expressed the opinion that people really wanted that to be a celebration and they wanted some special things to happen on that day so there might be something there to look at. Mr. Mayer responded that staff had been looking at what was available on the State level (i.e. tree forestry program) so there might be some additional opportunities.

Vice Mayor Hansen acknowledged there was no doubt as to what the Civic Association could do as they had seen in the past what they had accomplished (i.e. the way they raised \$500,000 for FFE [furniture, fixtures, and equipment] for the Community Center) so she felt the community could get behind that. She asked if the Committee talked about what type of outreach could take place to some of the other groups in Town. She indicated that when this first came out and the presentation took place they had heard from some of the HOAs, Schools, and even individual citizens interested in becoming involved and she wanted to ensure that they were brought into the fold and made part of the process so it really was a community effort.

Mr. Butler said they intended to do that and that they had heard the same things just mentioned by the Vice Mayor. He indicated that they had talked to a number of them and that it was simply a matter of getting their checks and making sure that they communicated with everyone (i.e. in the community, the Civic Association, the corporations, in town or state-wide kind of corporations) who were looking for places to put some of their money.

Vice Mayor Hansen noted that although correspondence had been received and she acknowledged that there was excitement about getting greened but that there had also been some resistance heard from those who were afraid that they would not be able see with trees towering above everything. She did not know if they had emphasized that the trees would be sizable enough to give shade but not gargantuan trees that would obliterate everyone's view. She questioned if the intent was to preserve open space for those that just wanted to passively use the park to throw a ball as well as provide for a shady area. Mr. Butler responded absolutely and that was why they needed the landscape architect.

Councilmember Dickey commented on the demonstration project and asked if a community garden could be considered as part of that project. Mr. Butler responded yes and there was a spot designated at Fountain Park for the community garden and the intent would be to incorporate that in with the greening. He expressed that it was a wonderful opportunity to showcase, identify plants, and have people come down to view.

Vice Mayor asked if they had talked with John Bernard, a Swaback employee and a Town resident. She said that she understood that he had offered to be a part of the process since they had come up with the original idea. Mr. Butler replied he knew there had been some contact with Mr. Bernard. Mr. Butler expressed the opinion that if they were able to resolve the matter of a landscape architect and rather than get him involved and develop

a potential conflict of interest down the road for business purposes, that John might need to participate in a different way. The Vice Mayor asked if the thought was to run the finances through the Town or through a non-profit. Mr. Butler indicated the intent now was to run it through the Fountain Hills Cultural and Civic Association with all the donations coming into them (they had the tax exemption status) so people who made a donation could have a tax write off and then that money would be rerouted to the Town as a part of any future contract that they had for landscape installation or planning of the landscaping. He reiterated they would use them as the vehicle but it would first go through the Cultural and Civic Association. The Vice Mayor commented that that process had worked very well for the Community Center project as well.

Mayor Schlum asked if the Community Center project had had an agreed upon building design before fund raising took place and the Vice Mayor responded yes, it had gone along with the design of the building and the selection of the furniture and the fixtures so people knew what they were contributing to. Mr. Butler referred to a booklet that contained all of the exhibits that had been created for that project.

The Mayor asked about the timeline and expressed he was excited about the fund raising effort and getting the community involved in something that was needed, particularly more trees. He stated the opinion that he did not think they would have so many trees that they would not have any open space or that views would be blocked. He reiterated that those were concerns that he too had heard. The Mayor suggested working with the golf disc people as perhaps there might be improvements that could be made that they could appreciate and indicated an interest in minimizing any art relocations. He wanted to ensure there was a process in place so that if there was a public effort to raise funds, that there was a plan that everyone was behind. He asked how long that would take and if they needed an architect hired before they could get to that point. He wanted to make sure they did not move too fast and disappoint people and that all of the expectations were in alignment.

Mr. Mayer reviewed the worst case scenario whereby the fundraising fell short, not able to accomplish everything with work done in phases over time, or subsequent phases unable to be completed for a couple of years down the road and stated that the plan would remain a viable plan and that perhaps there would be a point in time where the Town was in a position to contribute funds toward the unfunded phases in the plan. He stated that would be something that the architect would have to look at and come up with in the completion timeframe. He reviewed some of the sensitivities that the Committee had talked about (i.e. maintaining the view corridors and focusing on plant species that had the best chances of survivability in our climate but also that had a crown tall enough that people might not necessarily see over but they could see under). He acknowledged that there were views at Fountain Park that they would want to maintain and keep open. Vice Mayor Hansen made the observation that they would want to avoid messy trees and Mr. Mayer concurred.

The Mayor asked if staff had been part of the process to date and Mr. Mayer responded yes and explained that he and Mr. Butler had combined ideas of people to include on the Committee. He explained that part of what was being shared tonight with the Council was the efforts of those individuals.

The Mayor asked if the \$15,000 was currently in the budget and Mr. Mayer responded no. Mayor Schlum asked what were the funding options and when would the money be needed. Mr. Mayer replied that if they were to move ahead with this plan they would need to have a design plan and that they would need to move ahead pretty quickly. He shared that he did not have funds in his budget (Parks and Recreation) for this project.

Mr. Butler suggested leveraging funds from Economic Development since this was one part of a big program to help foster economic opportunities in the community. He noted that looking at a tree in itself might not look like it but that was what the Visioning Plan had come up with and that was what the public had agreed to as they went through the process. Mr. Butler acknowledged that this had come up after the current budget adoption so money might need to be found from another source.

Councilmember Leger asked the Town Manager to weigh in on some of the scenarios or possibilities. He pointed out that the Economic Development Fund had a balance of approximately \$1.1M that was dedicated to

primarily downtown development and he expressed the opinion that this fell within those perimeters. He expressed that although the fund was dedicated, the challenge was had it been budgeted.

Mr. Davis recognized that the Economic Development fund was there; however, only a certain amount of that fund had been appropriated for use this year and funds could not be tapped that were not authorized. Those funds were already dedicated to some activities that were critical. Therefore, if it was the Council's desire to find money to do this project he said he would probably recommend looking toward the Capital Budget rather than the Operational Budget or Economical Development Fund. He explained that there were specific line items in that fund that would not be tapped this year but he requested time to discuss options with the Finance staff prior to making the commitment. If this request had come at the beginning of a budget year, then it probably would be appropriate to look at utilizing the Economic Development Fund.

Mayor Schlum said that the premise to bring this forward was awesome and he expressed his appreciation to Mr. Butler to guide this as a volunteer. He noted the Council was looking to leverage every opportunity to form public private partnerships and make the most of each opportunity, especially in this economic time, if there was an ability to raise funds through generous donors he was in favor of it. He pointed out that this proposal was part of the Visioning Plan as mentioned previously by Mr. Butler but that fiscal constraints would be there at every turn. He acknowledged that the Town had a generous populous in the past and he expressed that he was confident that as the Committee moved forward they would find out if the plan was viable and noted that there was some Council support. He asked what the next step would be and Mr. Mayer responded that one of the next steps would be to seek the Council's approval for a contract for a landscape architect. They would like to come back and try to flush out the first initial stages and talk about how this particular piece (landscape architect) would fit into first phases.

Mayor Schlum commented on the community garden noting that this garden area was adjacent to the existing performance pad. He expressed that there was interest by the Town's many master gardeners for an area where they could actually garden (had the space and appropriate soil to garden) so he hoped there could be an area included in this first phase. He also noted the public's desire to have shade by the benches. He stated his appreciation for the efforts to move forward, which included efforts on the part of the public since staff had limited time.

Councilmember Dickey suggested they could talk about this at the same meeting when the Council considered raising development fees as there were more people living in Fountain Hills and because more people needed shade perhaps development fees could be used for some of this.

Town Attorney McGuire stated that if the Council gave sufficient direction to the Town Manager tonight it was below his contract limit and he would not have to bring this back to the Council and staff could just go forward and procure the landscape architect as long as he did not need a budget transfer to do it.

Mayor Schlum requested that staff ensure the Council was behind the design before it was completed to whatever extent they could outline it before an architectural purchase order was made.

Councilmember Dickey asked if the Manager could-utilize funds from the Capital Fund, and Mr. McGuire reiterated that the amount (\$15,000) was within the Manager's \$20,000 signing authority, as long as it did not require a budget transfer. If a budget transfer was required, then the Manager would need to come back before the Council for their approval. Councilmember Dickey asked for clarification that the action was not a transfer. Mr. Davis gave an example stating that there were some software upgrades in the Capital Budget that would not be done this year. He said they would not be tapping, delaying, or cancelling any projects in favor of doing this. He clarified that this project could be done because we were not going forward with something else and were not expecting to spend all of the money previously appropriated in a line item.

The Mayor asked if would be better to bring it back to the Council with more of a scope of work. Mr. Butler responded that he this group of volunteers would do absolutely everything and anything that the Council wanted

them to do. He expressed that the excitement and enthusiasm built up in this committee was unbelievable and it was hard to hold them back right now. He said they could come back and make a presentation but as far as the scope of services for a landscape architect contract that would need to be worked out as there were all kinds of things that could be included or excluded. He expressed the opinion that there were different options.

Vice Mayor Hansen said it would be good for that very reason. It would take the Council and the public to the next step of where the Committee was envisioning it to go and would be keeping it out in front of the public. She reminded the Council that the community really got behind the Visioning process and expressed the opinion that they really wanted to keep that momentum going as well. Making them (the public) a part of the process would keep them engaged and they wanted to make sure it was very clear that this was truly a community event (just like the Community Center was).

Mayor Schlum pointed out that this was a positive thing that was happening inside of this economic downturn and the Vice Mayor concurred. Mr. Butler interjected that he had been contacted by the Beth Duckett (Arizona Republic reporter) who indicated an interest in running a story on this for Saturday's paper and he had asked her to call back tomorrow as then he might have more information.

Mr. Davis recapped that the intention was to obtain a scope of services from a landscape architect and bring that back at the next appropriate Council meeting, targeting the December 3rd meeting. At that time staff would seek direction to engage that landscape architect and get the plan done. The Mayor cautioned everyone not to get ahead of themselves and to keep everyone's expectations in alignment as they all went down this road together.

Councilmember Leger questioned if anyone had volunteered their landscape architect services or were there any landscape architects that we might be able to tap into to donate their time for such a project on the front end. Mr. Butler responded that none had stepped forward yet but as more articles came out and the public learned more about the project there might be some who came forward. Councilmember Leger suggested that perhaps it could be spun that way (looking for volunteers with a variety of expertise). He commented on Mr. Butler's green shirt and Mr. Butler replied that they had talked about utilizing green t-shirts to identify the volunteers working on this project. Councilmember Leger thanked Mr. Butler for his work on the project.

Mayor Schlum thanked Mr. Butler and Mr. Mayer for their presentation and the new volunteers for assistance.

AGENDA ITEM #3 – PRESENTATION BY SUPERVISOR OF RECREATION BRYAN HUGHES ON FUTURE WEEKLY FARMERS' MARKETS /ART FAIRS IN FOUNTAIN HILLS.

Mr. Hughes addressed the Council through the use of a PowerPoint presentation (presentation on file in the Clerk's office). He stated that after reviewing the concept brought forward by Judi Yates, that they should be treated as two separate components. He recapped Ms. Yates' recommendations: 24-30 artist spaces; event to be held October – March on a weekly basis (on a week day); provide an artist residency requirement (Fountain Hills, Rio Verde, Tonto Verde and Fort McDowell) and include the Fountain Hills Art League artists and those in the Fountain Hills Artists Gallery; artists' to have a Town business license and collect sales tax; art would be juried and would include musicians with umbrellas used (no tents). He provided a slide with a visual of the booths used in Santa Fe, New Mexico (3' x 7' spaces with an umbrella cover).

Mr. Hughes stated he had spoken with Dee Logan from the Arizona Community Farmers' Markets and that Ms. Logan had expressed interest in coming to Fountain Hills. However, she had wanted staff to do more work to determine its viability and which demographic would attend. He said Ms. Logan had indicated that typically it was the 25 -45 age group that attended this type of an organic food market, that winter visitors could not be counted on to support a market, and that the location must have restrooms, parking and visibility.

Mr. Hughes showed a slide that depicted possible farmers' market locations and indicated areas where previous farmers' markets had been held. He acknowledged that farmers' markets had specific goals: support of local growers and producers in the State of Arizona (direct producers); support for sustainable farming; support of

those who added value to local growers' crops (i.e. chefs, restaurants; bakeries, florists, etc); support for local cottage industries and crafts; and education of growers, producers, and the public in matters related to these purposes. He stated the opinion that the goals should be the same for any markets conducted in Fountain Hills, whether with the Arizona Community Farmers' Markets Assoc. or another vendor.

Mr. Hughes highlighted a list of the other markets in the Valley, noted that the markets were pretty successful with 2,000 - 3,000 through the Old Town Scottsdale market, and that was their measure for success. He said the question was what the Town would get, as far as numbers, through their market. He stated that the days and times available to the Town were Tuesday afternoons or Sunday, late morning/early evening.

Mr. Hughes identified and discussed some of the challenges that went along with both the art fair and the farmers' market. Regarding the art fairs, Mr. Hughes stated that the Town did not have sufficient staff to take on the coordination and that they would be looking for an outside entity, such as the Art League or someone else, to be in charge of that portion of it. Regarding the farmers' markets, he discussed that ideally it would be held on the Avenue of the Fountains or perhaps Fountain Park. He acknowledged that Ms. Yates' preference had been for it to be held on a weekday although that it might be better for the farmers' markets to be held on a weekend to target the 25 - 45 demographic.

Mr. Hughes said the questions remaining were who would sponsor the event and what would the budget be. He questioned that if the Town acted as a sponsor, did the Town absorb costs or would the businesses provide sponsorship support. He discussed that the Town could act as an event sponsor by providing staff time and other in-kind support, such as providing Town facilities (medians, parks) at no charge, help facilitate through outside coordinators, help with marketing through press releases, publications, and website and social media exposure. He stated the opinion that they were about 50% there with what needed to be done to get something to happen soon and reiterated that the farmers' market and the art fair were separate events that could work well together. He said that the preferred location for both events was on Avenue of the Fountains and that the Town could help facilitate the Farmers' Market and another entity would need to be responsible for the weekly art fair. He was of the opinion that it was probably possible to have something in place in early 2010 given that there were holidays approaching. He indicated that completed the presentation and he would be happy to answer any questions.

Councilmember Dickey provided a brochure to Mr. Hughes that contained a list of farmers' markets in other counties that were Arizona growers. She noted that some of the locations were rather small.

Mayor Schlum commented on Ms. Logan's point that the Town would need to provide parking, restrooms, visibility and customers and that available locations would be limited unless the restrooms of businesses could be used. Mr. Hughes discussed using the large grass area in the middle on Avenue of the Fountains (across from Town Hall) for the Farmers' Market tents and small booths for the art fair. He stated that if held during the week, the restrooms at Town Hall could be utilized as well as those at the Community Center and that some of the businesses' restrooms might be available (per Ms. Yates). He pointed out that if a Sunday Farmers' Market were pursued as Ms. Logan had mentioned that Fountain Park might be an option due to its visibility, parking, restrooms and the other amenities that would attract people to come down there as well. He noted that one of the goals had been to increase foot traffic on Avenue of the Fountains but at the same time he explained that they did not want to ultimately do something that would be unsuccessful so the preference would be to place it where it would work best. Mayor Schlum stated that the two locations that stood out were on the medians on Avenue of the Fountains and at Fountain Park. Mr. Hughes said that was correct. He explained that use of the event circle at the Community Center had also been explored, but depending on when that was done, parking could be an issue; however, there were restrooms at both the Community Center and the Library/Museum but visibility at that location was an issue.

In response to a question from the Mayor, Mr. Hughes explained what Ms. Logan needed to determine viability being the formation of a work group made up of local churches and other community groups to gather information but he proposed to put together a quick survey on the Town's website to obtain public feedback.

Mayor Schlum asked for clarification on what time a Sunday event would be and Mr. Hughes responded between approximately 10 a.m. to 2 p.m.

Councilmember Dickey referenced a market held in Portland, Oregon, which was near a library where the public accessed the restroom facilities. She pointed out it was surprisingly not crazy busy even though a ton of people attended the Farmers' Market. She asked if a questionnaire were used, would people be told what to expect, because if they could expect to get real fresh produce on a Sunday morning she felt there might be a good reaction. She cautioned staff on what the wording of the survey in order to discern who would come if the market needed to have that many people in order to have the goods available. She questioned if this would be a local market or could the Town expect folks from Scottsdale.

In response to the Mayor, Mr. Hughes stated that the Old Town Scottsdale Farmers' Market just started on October 31 and was held on Saturday from 9 a.m. to 1 p.m.

Councilmember Leger asked if the art fair was anticipated to be run concurrently with the Farmers' Market and Mr. Hughes indicated that was the intent, if possible, to do so. Councilmember Leger made the observation that when Ms. Yates made the presentation to the Council she had been against holding the art fair on the weekend due to the availability of the artists. He commented on the series of challenges and noted that it had been his understanding that this would be a private/public partnership and he now felt it was turning into a Town run scenario and the Town was being asked for a marketing analysis to determine its viability. He had understood from Ms. Yates and Ms. Logan, who ran these types of operations that they would be involved, perhaps partnering with the Town, in doing some of the work and this now raised other issues for him although he stated he was supportive of the Farmers' Market and the Art Fairs and of combining them. He pointed out that he was receiving mixed messages during these first steps and that concerned him.

Mr. Hughes addressed Councilmember Leger's concerns. He acknowledged that it would take some effort on Town staff's part to get it off the ground with possibly through some kind of a survey to see if it was even worth it. He explained that because the Farmers' Market part was the private part, if the Town really wanted them to be here, then Town might need to help facilitate the market. With the art part he indicated that he had made it pretty clear to Ms. Yates that staff did not have the time to coordinate it but staff was willing to help and would work with someone to make that happen wherever that location was to be. He acknowledged that the Town did not want to get into the business of running a farmers' markets or art fairs long term. Staff was looking to help facilitate the events, not coordinate. Regarding weekends vs. weekday he noted he was simply relaying what Ms. Logan had mentioned to him as days that she felt the market would be successful. He reiterated that these were two separate events that potentially could work well together and that could draw more people if done on the same day; however that did not mean that it would work out that way.

Councilmember Leger restated his support for this event and that he understood that it would hopefully be a mutually beneficial working relationship and he was on board with whatever they needed to do to support the event; however, he did not know if they should be in the business of determining viability. He hoped that since they were in the position of bringing a product and service to the Town that they would be in the position to determine viability. He stated that he was interested in staff taking this forward, putting a group together, and a future update.

Vice Mayor Hansen stated she had spoken with Ms. Yates earlier in the day and she indicated that the artists were already moving forward with a coordinator and she felt that aspect was developing. She asked that everyone keep in mind the benefits that this could bring to the Town (i.e. sales tax). The Vice Mayor expressed concerns with using a Sunday because that would not help the merchants on the Avenue since most of them were closed and for them to stay open just for that purpose probably would not be helpful. She said that if there were no markets in other communities on a Tuesday that might be a catalyst to come to Fountain Hills on Tuesdays. She confirmed that some businesses along the Avenue had offered that their restrooms could be made available. Regarding the issue of viability, the Vice Mayor proposed talking with the people who had held the earlier farmers' markets, noting they did have some measure of success as she recalled a recent conversation

with businesses at Plaza Fountainside whereby they said they had people come into their establishments inquiring where the farmers' market was located and she felt that was a positive. She indicated that the type of survey Mr. Hughes was referring to would not be very labor intensive and would be useful in order to get some public input as to whether they would support a farmers' market. The Vice Mayor offered the opinion that Ms. Logan was probably not looking for cold hard facts and Mr. Hughes concurred with her observation about the level of detail Ms. Logan was requesting.

Mayor Schlum asked how important it was to combine the two events. He felt that it would help the energy and give the events a good start. He asked if the Council would want to consider two separate dates after hearing the discussion so far.

Councilmember Dickey asked what the hours would be for a Tuesday afternoon market and Mr. Hughes responded that it would run approximately from 1 p.m. to sunset noting that as the year progressed, the market would continue later into the day and that might lend itself to those who worked and who might want to come to the market. Mr. Hughes pointed out that the lighting along the Avenue of the Fountains was not very bright if they decided to hold it there and that would be a consideration. Councilmember Dickey commented that the working people were basically out of luck.

Mayor Schlum stated it sounded like it would take staff efforts to get it started so he was not too concerned with that but he did not want to see it start and not be successful. Mr. Hughes agreed and said it would be important to be successful from the beginning because if something was offered and it bombed it might be tough to get the growers to take another chance in the future when it could be supported on a different day or when more people were in Town. If some level of success were achieved through the end of April and it were to start in a timelier manner next fall, then they would be on the schedule that people would be aware of and it could be more successful then.

Mayor Schlum asked if the Co-op currently in place would be a measure of the number of visitors but he proposed a great turn out might be between 300 – 1,000 but not 2,000 - 3,000.

Councilmember Contino expressed concern for holding the event on a Sunday and stated preference for holding it on a weekday. In going around the valley to some of the markets he stated that many of them did not want to come out on Sunday because their produce was done and after they were done in the morning they did not want to go anyplace else. If they sold their produce out, they probably would not come out to Fountain Hills or we would get the seconds, not the first produce.

Mayor Schlum asked if Sunday was the end of the weekend. Councilmember Contino responded yes, but Tuesday would be another pick day, and should be a lot better. He said the only draw it would have was at the end of the Avenue at the Fountain because people would drive by and be curious.

The Vice Mayor asked if the last farmers' market was held on a Thursday evening, and the response was yes. She asked if they had lights as it had gone a little after dark. Councilmember Contino indicated they had used generators.

Councilmember Leger asked how successful that Farmers' Market was and why had it dissolved. He reiterated his concerns for a private entity asking the Town to determine if this would be successful. He also expressed concern that they were designing this and that the Council was providing input on what they should or should not be doing. He noted that the Council was not the guru of Farmers' Markets or Art Fairs and that the Council had private people coming to them with an idea and he suggested that they work with Mr. Hughes to flush this out and bring back something that was tangible. He restated his support but he also stated his surprise at the level of questions because he had thought they would be worked out before the Council saw another presentation unless the Council was here as a group of novices on art fairs and farmers' markets to build, construct, design, develop it here on the dais and he did not feel that it was the intent.

Mr. Hughes agreed there was still work to be done if they wanted to make this happen and if they wanted to make it successful as they were only about 50% done. Councilmember Contino stated that he felt the Council was offering suggestions and input of where they had been, what had been done, and their experiences. He noted that this was a work-shop.

Mayor Schlum stated that the Council did want the Farmers' Market driven by someone other than the Town and this had been an opportunity for feedback from the Council as to their comfort levels. He suggested that the next time this was presented to the Council that staff should have the person available who was interested in running the market prepared to discuss what it would take to run a successful event. The Mayor commented that it appeared that was the case regarding the Art Fairs, which sounded like they preferred to be on the median.

Mr. Hughes said he could only relay his phone conversation with Ms. Logan, which had lasted almost an hour. Ms. Logan at that time had expressed lots of concerns but was also willing to explore it. He pointed out that Ms. Logan was not the only vendor and that the Town had recently been contacted by a couple of other people who might be interested as well. Mr. Hughes stated the opinion that something could happen early 2010 but work remained to be done and the details were not ready.

Mayor Schlum acknowledged that the Farmers' Market had been popular in the past and was a "value add" that did not really cost the Town anything. He pointed out that it did add to the Town's small town character, provided another opportunity to mingle, brought more exposure to the businesses on the Avenue and that was generally what they wanted to replicate, and it brought the potential for some Town revenue. He agreed with Councilmember Leger that they (Councilmembers) were not the experts although they liked the idea and the fact that it excited them as they wanted that type of energy downtown because the Council favored supporting businesses. He noted that these two events were illustrations of the type of events that would help them support businesses, the downtown, and our small town character.

The Vice Mayor expressed that they were not trying to design the event but were dealing with the time and place aspect of the event. She commented that they were the ones who were here on a Sunday and who drove up and down the Avenue and saw how dead the Avenue of the Fountains was on Sundays.

Mr. Hughes thanked the Council for the dialogue and suggestions of how staff could move forward. The Mayor stated he felt the Farmers' Market would take more time but he asked about the art fair. Mr. Hughes responded he had spoken to Ms. Yates and it had been discussed that she would move forward and that it might happen a little sooner than the Farmers' Market if everything fell into place. He reiterated that was really up to Ms. Yates and who was coordinating that event. He said that staff would continue to work with Ms. Yates and the Farmers' Market vendor so see how they could facilitate the events so that they could occur during the early part of next year.

Councilmember Leger asked if Ms. Yates had come back with the preferred date and Mr. Hughes responded that if staff worked with Ms. Logan that Ms. Logan was available on Tuesday afternoons. Ms. Yates had indicated that she was ok with that date as opposed to a Thursday and perhaps the artists could be in place as early as January with a Farmers' Market starting early in February. Mr. Hughes confirmed that the artists were still looking at a Tuesday Thursday vs. a weekend date noting that it would be ideal to bring the two events together on hopefully a weekday. Councilmember Leger acknowledged that coordination would be a challenge.

The Mayor thanked Mr. Hughes for his presentation.

AGENDA ITEM #4 – DISCUSSION OF A TEXT AMENDMENT TO SECTION 19.05I OF THE FOUNTAIN HILLS ZONING ORDINANCE THAT WOULD REVISE THE “PUBLIC ART” REGULATIONS TO INCLUDE PERFORMING ARTS GROUPS THEREBY MAKING SUCH GROUPS ELIGIBLE TO ACCESS THE 1% PUBLIC ART FUND.

Senior Planner Bob Rodgers addressed the Council regarding this item. Mr. Rodgers stated that the 1% art fund, which had been adopted in 2008, had been working out well and to date approximately \$40,000 had been received and spent noting that the current balance was approximately \$105.00. He stated that the Planning and Zoning Commission had been asked to look into expanding access to that fund to allow other additional art groups, such as the Community Theater, to potentially use some of those monies. He recapped that the Planning Commission had appointed a sub-committee to review that request and on August 13 the subcommittee addressed the Planning and Zoning Commission and recommended that the ordinance change be initiated. The Commission subsequently directed staff to take a look at drafting an ordinance and that was what before the Council this evening. The Council had also been provided with the draft minutes of the subcommittee and the Planning and Zoning Commission meetings in order that the Council to review the discussions that took place (pros/cons). Mr. Rodgers requested that the Council provide comments on whether they agreed that this ordinance change should occur.

Councilmember Brown indicated that he had been a huge supporter of changing the ordinance; however, over the last few weeks he had received sixteen e-mails against the proposed ordinance change with what he felt were solid reasons for not changing the ordinance. He said that he had had zero people contact him in support of changing the ordinance and that he was convinced it would be wrong to change the ordinance.

The Mayor asked if there was any objection to not moving forward or other direction to staff. Councilmember Brown proposed not moving forward with this ordinance and the Vice Mayor concurred, as did the Mayor.

Mayor Schlum thanked Mr. Rodgers for his presentation.

AGENDA ITEM #5 - ADJOURNMENT

Councilmember Dickey **MOVED** to adjourn the meeting and Councilmember Leger **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (6-0). The meeting adjourned at 7:25 p.m.

TOWN OF FOUNTAIN HILLS

By _____
Jay T. Schlum, Mayor

ATTEST AND
PREPARED BY:

Bevelyn J. Bender, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Study Session held by the Town Council of Fountain Hills in the Town Hall Council Chambers on the 10th day of November 2009. I further certify that the meeting was duly called and that a quorum was present.

DATED this 17th day of December, 2009.

Bevelyn J. Bender, Town Clerk